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**OFFICE OF PETITIONS**

**TOPE-MCKAY & ASSOCIATES  
23852 PACIFIC COAST HIGHWAY #311  
MALIBU, CA 90265**

In re Application of :  
Srikanth Krishnamurthy et al :  
Application No. 10/816,546 : DECISION GRANTING PETITION  
Filed: April 1, 2004 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. HRL040-Cont :

This is a decision on the petition filed April 15, 2005, which is being treated as a petition under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of corrected drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Corrected Application Papers (Notice) of June 18, 2004, is accepted as having been unintentionally delayed.

Petitioner asserts that failure to timely reply was due to nonreceipt of the Notice of June 18, 2004. However, a review of the written record indicates no irregularity in the mailing of the Notice and is presumed to have been properly mailed to the address of record. Therefore, the required petition fee under 37 CFR 1.137(b) of \$1,500, will not be waived.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 2686.

A handwritten signature in cursive script, reading "Karen Creasy".

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy